United Nations A/C.6/53/L.17

General Assembly

Distr.: Limited
16 November 1998

Original: English

Fifty-third session
Sixth Committee
Agenda item 146
Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Angola, Argentina, Australia, Austria, Belgium, Canada, Croatia, Denmark, Fiji, Finland, Germany, Greece, Iceland, Ireland, Italy, Netherlands, New Zealand, Norway, Poland, Portugal, Russian Federation, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine: draft resolution

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

The General Assembly,

Recalling its resolutions 32/44 of 8 December 1977, 34/51 of 23 November 1979, 37/116 of 16 December 1982, 39/77 of 13 December 1984, 41/72 of 3 December 1986, 43/161 of 9 December 1988, 45/38 of 28 November 1990, 47/30 of 25 November 1992, 49/48 of 9 December 1994 and 51/155 of 16 December 1996,

Having considered the report of the Secretary-General[1] on the status of the Protocols[2] Additional to the Geneva Conventions of 1949[3] and relating to the protection of victims of armed conflicts,

Convinced of the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for these rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts,

Stressing the possibility of making use of the International Fact-Finding Commission in relation to an armed conflict, pursuant to article 90 of Protocol I, and recalling that the

[1] A/53/287.
[2] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.
[3] Ibid., vol. 75, Nos. 970-973.

98-35632 (E) 171198

International Fact-Finding Commission may, where necessary, facilitate, through its good offices, the restoration of an attitude of respect for the Conventions and the Protocol,

Stressing the need for consolidating the existing body of international humanitarian law through its universal acceptance and the need for wide dissemination and full implementation of such law at the national level,

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and disseminate knowledge of international humanitarian law, in particular the Geneva Conventions and the two additional Protocols,

Noting that the Twenty-sixth International Conference of the Red Cross and Red Crescent endorsed the recommendation of the Intergovernmental Group of Experts on the Protection of War Victims, including that the depositary of the Geneva Conventions of 1949 should organize periodic meetings of States parties to the Conventions to consider general problems regarding the application of international humanitarian law,

Acknowledging the fact that the Rome Statute of the International Criminal Court, adopted on 17 July 1998, includes the most serious crimes of international concern under international humanitarian law, and that the Statute, while recalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for such crimes, shows the international community's determination to put an end to impunity for the perpetrators of such crimes and thus to contribute to their prevention,

Noting the analytical report of the Secretary-General on fundamental standards of humanity submitted to the Commission on Human Rights at its fifty-fourth session,

Noting that international humanitarian law has been an important topic during the United Nations Decade of International Law, which will come to a close in 1999, fifty years after the adoption of the Geneva Conventions, and that the importance of this body of law will be highlighted in the context of the celebration in 1999 at The Hague and in St. Petersburg of the centennial of the first International Peace Conference,

1. *Appreciates* the virtually universal acceptance of the Geneva Conventions of 1949,[1] and notes the trend towards a similarly wide acceptance of the two additional Protocols of 1977;[2]

2. *Appeals* to all States parties to the Geneva Conventions of 1949 that have not yet done so to consider becoming parties to the additional Protocols at the earliest possible date;

3. *Calls upon* all States that are already parties to Protocol I, or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol;

4. *Calls upon* all States parties to the additional Protocols to ensure their wide dissemination and full implementation;

5. *Affirms* the necessity of making the implementation of international humanitarian law more effective;

6. *Welcomes* the activities of the Advisory Service of the International Committee of the Red Cross in supporting efforts undertaken by Member States to take legislative and administrative action to implement international humanitarian law and in promoting the exchange of information on those efforts between Governments;

7. *Welcomes* the holding in January 1998 of the first periodic meeting on the application of international humanitarian law;

8. *Notes* the holding in October 1998 of the Meeting of Experts on General Problems of the Implementation of the Fourth Geneva Convention;

9. *Requests* the Secretary-General to submit to the General Assembly at its fifty-fifth session a report on the status of the additional Protocols, as well as measures taken to strengthen the existing body of international humanitarian law, *inter alia*, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross;

10. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".